

**DEPARTMENT OF INSURANCE****Legal Division**

45 Fremont Street, 21st Floor  
San Francisco, CA 94105

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**TO: Certain Interested and Affected Parties**  
**FROM: Leslie E. Tick**  
**DATE: July 18, 2007**  
**RE: Invitation to Prenotice Public Discussions on Contemplated Regulations  
Governing Sales of Annuities to Seniors**

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Pursuant to California Government Code Section 11346.45, California Insurance Commissioner Steve Poizner will hold prenotice public discussions regarding the contemplated addition of California Code of Regulations, Title 10, Chapter 5, Subchapter 3, Article 12.6 ("Annuities Sales to Seniors"), Section 2546 ("Duty of Good Faith and Fair Dealing Owed to Prospective Purchasers of Annuities who Are Age 65 and Over"). California Insurance Code Section 789.6 authorizes the Commissioner to promulgate these regulations.

You are hereby invited to participate in these prenotice public discussions. The purpose of these discussions is to permit certain interested and affected persons an opportunity to present statements or comments with respect to the attached draft regulations texts.

Public discussions will be held on the following date, at the times and location specified below:

Date: Tuesday, August 14, 2007  
Location: California Department of Insurance  
Administrative Hearing Bureau Hearing Room  
45 Fremont Street, 22nd Floor  
San Francisco CA 94105  
Time: 9:30 a.m. to 12:00 noon and 1:30 p.m. to 4:00 p.m., or as soon after 9:30 a.m. as all those wishing to speak have spoken, whichever is earlier

The facility to be used for these public discussions is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the undersigned, by August 1, 2007 in order to make special arrangements.

Space is limited so we ask that you limit your organization's representation to one individual.

For purposes of promoting discussion, we have attached two different versions of a draft regulation text. Participants should be prepared to present specific comments on, and alternate

regulation language for, the attached draft regulation texts at these scheduled public discussions. All persons are invited to submit written statements.

Please be advised that participation in these prenotice public discussions will be in addition to, and not in substitution for, any participation in the formal rulemaking process. This invitation to prenotice public discussions does not constitute a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with these prenotice public discussions will not be included in the rulemaking file, which will not be opened until the time formal notice is issued. Similarly, the Department is not required to respond to comments received before the Notice of Proposed Action has been filed and the rulemaking file opened. For this reason, if you wish to have comments included in the rulemaking file, or to require the Department to respond to them as part of the process by which it adopts this regulation, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at the time that document is issued, regardless of whether the comments have been made in connection with these prenotice public discussions. The Commissioner nonetheless welcomes your participation in these discussions, and hopes that the regulations that may subsequently be proposed will benefit from your input.

All inquiries regarding the contemplated regulations and/or these public discussions should be directed to the undersigned.

Participants are requested to RSVP by August 6, 2007. Please RSVP by providing to **Cathy Snell** your name, the name of the organization (if any) which you represent, your mailing address, telephone number, and email address.

Cathy Snell  
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300 Capitol Mall, Suite 1600  
Sacramento CA 95814  
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Because of building security procedures, gaining access to these prenotice public discussions may be difficult for people who have not given their information to Ms. Snell.

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